



2710

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jürgen Claus et al.

Appln. No.: 10/579,189

Filed: May 15, 2006

For: **INTERNAL COMBUSTION ENGINE COMPONENT AND METHOD FOR THE PRODUCTION THEREOF**

Attorney Docket No.: 3926.271

Customer No.: 30448

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited either by facsimile to 571-273-8300 or with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 17, 2006.

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97 and §1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the following documents for the above-identified application. Copies of any non-US documents set forth below and listed on the attached Form PTO/SB/08A, copy of the International Search Report, a German Office communication dated July 26, 2004 and a German Office communication dated March 31, 2006 issued in the corresponding applications are provided herewith.

{WP319310;1}

1. US 4,798,770
2. EP 0 837 235 A1 (in English)
3. JP 4-272455 A (English abstract is provided)
4. EP 0 092 683 A1 (in English)
5. EP 1 048 825 A1 (English abstract is provided)
6. US 5, 224, 997
7. DE 197 21 406 A1 (its English-language equivalent application GB 2 313 651 A is provided)
8. DT 2 027 649 (explanation of relevancy is provided)
9. DE 43 28 619 C2 (English abstract is provided)
10. DE 34 30 056 C1 (has English-language equivalent application US 4,662,326)
11. DE 690 21 614 T2 (English abstract is provided)
12. DE 199 02 864 A1 (English abstract is provided)

Documents 1-7 were cited in the International Search Report. Documents 8-11 were cited in the German Office communication dated July 26, 2004. Document 12 was cited in the German Office communication dated March 31, 2006.

No English translation or abstract for **Document 8** is readily available. It is stated in the German Office communication dated July 26, 2004 that Document 8 discloses a component of an internal combustion engine (Figures 1 and 2; claim 1) having at least one area which is thermally more highly stressed than another area during the operation of the internal combustion engine (Figures 1 and 2; position 2 "piston bottom" and position 3 "orifice edge of the combustion chamber"; claims 1 and 2) wherein the thermally highly stressed area has smaller thermal expansion coefficient than the thermally less stressed area (paragraph 3 on page 3 of the specification). Therefore, it is stated in the German Office communication dated July 26, 2004 that original claim 1 of the present invention is not patentable. It is further stated that claims 2-4

{WP319310;1}

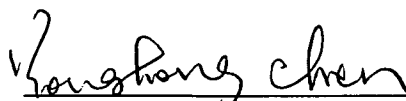
and 7-8 of the present invention are disclosed by Document 8. However, the claims have been amended in response to the German Office communication and the claims pending in the instant application are the amended version. Document 8 is no longer relevant to the amended claims.

Since the present Information Disclosure Statement is being filed before the mailing date of the first office Action, no certificate under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with MPEP §609.

Respectfully submitted,



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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	2
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Complete if Known

Application Number	10/579,189
Filing Date	May 15, 2006
First Named Inventor	Jürgen Claus et al.
Art Unit	
Examiner Name	
Attorney Docket Number	3926.271

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)				
/MM/		EP 0 837 235 A1	04-22-1998	TOYOTA JIDOSHA KABUSHIKI KAISHA		
/MM/		JP 4-272455 A	09-29-1992	ISUZU MOTORS LTD		
/MM/		EP 0 092 683 A1	11-02-1983	FIAT AUTO S.P.A.		
/MM/		EP 1 048 825 A1	11-02-2000	BAYRISCHE MOTOREN WERKE AG		
/MM/		DE 197 21 406 A1	12-04-1997	NIPPON PISTON RING CO., LTD		
/MM/		DT 2 027 649	12-09-1971	KARL SCHMIDT GMBH		

Examiner Signature	/Marguerite McMahon/ (09/09/2008)	Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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